

**DECLARATION OF RANDALL A. SNYDER**

I, Randall A. Snyder, hereby declare as follows:

- 1       1. My name is Randall A. Snyder. I am an adult over the age of 18 and a resident of the state  
2                  4 of Nevada. I have personal knowledge of each of the matters stated herein, and if called to  
3                  5 testify I could and would testify competently about them.
- 6       2. I am an independent telecommunications technology consultant and reside at 8113 Bay  
7                  Pines Avenue, Las Vegas, Nevada, 89128. I have been retained by Mantese Honigman  
8                  9 Rossman and Williamson, P.C. in the matter *Glassbrook v. Rose Acceptance, Inc. and First*  
10                  11 *National Bank of America*, 2:13-cv-10152-RHC-MJH (E.D. Mich.) to provide my expert  
12                  13 opinions relating to technology described within the Telephone Consumer Protection Act,  
13                  14 47 U.S.C. § 227 (“TCPA”) and the claims by Plaintiff that defendants Rose Acceptance,  
14                  15 Inc. and First National Bank of America (“Defendants”) maintain an Automatic Telephone  
15                  16 Dialing System (“ATDS”) as defined in the TCPA.
- 16       3. I have personal knowledge of each of the matters stated herein, and if called to testify I  
17                  18 could and would testify competently about them. My opinions in this declaration are based  
18                  19 on my education, knowledge, experience, training and my review of the following  
19                  20 documents in this case: Plaintiff’s First Amended Class Action Complaint; Answer to First  
20                  21 Amended Class Action Complaint and Affirmative Defenses; Defendants’ Motion to  
21                  22 Dismiss; Plaintiff’s Response in Opposition to Defendants’ Motion to Dismiss; Order  
22                  23 Denying Without Prejudice Defendants’ Motion to Dismiss; Defendants’ Motion to  
23                  24 Dismiss Plaintiff’s First Amended Complaint; Defendants’ responses to Plaintiff’s First Set  
24                  25 of Discovery Requests to Defendants; Plaintiff’s Response in Opposition to Defendants’  
25                  26 Motion to Dismiss Plaintiff’s First Amended Complaint [DKT. #28]; Defendants’ Reply  
26                  27  
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1 Brief in Support of Motion to Dismiss Plaintiff's First Amended Complaint; Order and  
2 Opinion Denying Defendants' Motion to Dismiss; The Parties' Rule 26(f) Report;  
3 Plaintiff's Pre-Discovery Motion for Class Certification; Defendants' Motion for  
4 Reconsideration; Plaintiff's Response in Opposition to Defendants' Motion for  
5 Reconsideration; Plaintiff's Motion for Leave to File a Response in Opposition to  
6 Defendants' Motion for Reconsideration; Defendants' Response in Opposition to Plaintiff's  
7 Motion for Leave to File Response to Defendants' Motion for Reconsideration; Declaration  
8 of Jeffery Sweet and attached documents; Opinion and Order Denying Defendants' Motion  
9 for Reconsideration, Denying as Moot Plaintiff's Motion for Leave, Striking Plaintiff's  
10 Response to Defendants' Motion for Reconsideration, and Directing the Parties to File a  
11 Rule 26(F) Discovery Plan; The Parties' Rule 26(f) Report; Defendants' Objections and  
12 Responses to Plaintiff's Interrogatory No. 2; Plaintiff's Third Set of Discovery Requests to  
13 Defendants; Defendants' Objections and Responses to Plaintiff's First Set of Discovery  
14 Requests; Plaintiff's Responses to Defendants' First Set of Discovery to Plaintiff;  
15 Plaintiff's Response to Defendants' Requests for Production of Documents; Plaintiff's  
16 Fourth Set of Discovery Requests to defendants; Defendants' Objections and Responses to  
17 Plaintiff's Second Set of Discovery Requests; Defendants' Objections and Responses to  
18 Plaintiff's Third Set of Discovery Requests; First National Acceptance Company Credit  
19 Services Manual – Revised December 2009 (Bates Nos. FNBA000009 – FNBA000049);  
20 Call Detail Records (Bates Nos. FNBA000050 – FNBA000057); Account Log Files (Bates  
21 Nos. FNBA000061 – FNBA000068, FNBA000083); Skiptrace Files (Bates Nos.  
22 FNBA000069 – FNBA000071); Deposition of Charles Browning (rough draft); Deposition  
23 of Paul Dankert (rough draft); Telephone Consumer Protection Act, 47 U.S.C. § 227, *et*  
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1       *seq.* (“TCPA”) and regulations promulgated thereunder; the FCC’s Report and Order in the  
2 Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of  
3 1991 dated October 16<sup>th</sup>, 1992; the FCC’s Report and Order in the Matter of Rules and  
4 Regulations Implementing the Telephone Consumer Protection Act of 1991 dated July 3<sup>rd</sup>,  
5 2003; and the FCC’s Report and Order in the Matter of Rules and Regulations  
6 Implementing the Telephone Consumer Protection Act of 1991 dated January 4<sup>th</sup>, 2008.  
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8       4. I have over 28 years of experience in telecommunications network and system architecture,  
9 engineering, design and technology. I am an expert in the fields of both wireline and  
10 wireless telecommunications networking technology. A copy of my *curriculum vitae* is  
11 attached to this Declaration. I have been retained as a testifying or consulting expert in  
12 more than 70 cases regarding cellular telecommunications technology, including 44 cases  
13 regarding Short Message Service (“SMS”) technology and 44 cases regarding the TCPA  
14 and associated regulations. In addition, I have been retained as an expert by both plaintiffs  
15 and defendants in cases regarding the TCPA.  
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17       5. I have taught many classes and seminars on both wireline and wireless telecommunication  
18 network technologies and have been a panelist and speaker at numerous conferences at the  
19 Institute of Electrical and Electronics Engineers (“IEEE”), the Personal Communication  
20 Society (“PCS”), and the Cellular Telecommunications and Internet Association (“CTIA”)  
21 as an expert in telecommunication networks. I spent seven years developing standards  
22 within the American National Standards Institute’s subsidiary organization, the  
23 Telecommunications Industry Association (“TIA”), providing technical contributions and  
24 authoring and editing telecommunications proposed standards documents. Most notably, I  
25 authored and oversaw the standardization of Interim Standard 93, providing  
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1 interconnection technology between wireline and wireless networks, which is a fully  
2 accredited national standard of the American National Standards Institute (“ANSI”). I am  
3 the co-author of the McGraw-Hill books “Mobile Telecommunications Networking with  
4 IS-41,” and “Wireless Telecommunications Networking with ANSI-41, 2nd edition”  
5 published in 1997 and 2001, respectively. These books have sold several thousand copies  
6 and were required reading for wireless engineers at AT&T Wireless and Motorola for  
7 several years. The latter book has also been relied upon and cited numerous times as a  
8 reference for various patents in the telecommunications industry. I have been issued 18  
9 patents myself on telecommunications networking technology and currently have six  
10 additional published patents pending. I have also authored several articles on  
11 telecommunications technology and have been quoted numerous times in industry trade  
12 publications. I have consulted for and been employed by many wireline and wireless  
13 telecommunications companies including McCaw Cellular, AirTouch, AT&T Wireless,  
14 AT&T Mobility, Lucent, Nokia, Ericsson, Nextwave, MCI, Sprint, T-Mobile USA, U.S.  
15 Cellular and other telecommunications technology vendors and service providers. I was  
16 also nominated in 2006 for a National Television Arts Emmy Award for Outstanding  
17 Achievement in Advanced Media Technology for unique wireless content distribution  
18 technology I designed while employed at Entriq, Inc. In addition, in 2002, I was co-founder  
19 of m-Qube, Inc., one of the first text message based mobile marketing companies in N.  
20 America. m-Qube founded and established the Mobile Marketing Association (see  
21 <http://www.mmaglobal.com>) which subsequently established the technology and  
22 methodology for the use of text message based short codes within N. America.  
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6. I have been issued four patents related to SMS technology, including the invention of short code technology, and my books have been cited in four additional issued patents on SMS technology. Still more detail, as well as details of publications that I have authored or co-authored within at least the past 10 years, are provided in my attached *curriculum vitae* (a true and correct copy of which is attached hereto as Exhibit A) along with a list of cases where I served as a testifying or consulting expert and my standard rate sheet. I am being compensated at the rate of \$450 per hour for my study, analysis and testimony in this case.

7. I understand that fact discovery in this case is ongoing and I also understand that there are documents and/or evidence that have yet to be produced and depositions that have yet to occur. To the extent that I cannot fully opine on the technical issues in this case, I hereby reserve the right to supplement this Declaration with both my conclusions and opinions in a detailed and additional supplementary declaration in the future.

## INTRODUCTION

8. The TCPA prohibits unsolicited voice and text calls to cellular telephone numbers using an “automatic telephone dialing system” (“ATDS”), which the statute defines as “equipment which has the capacity – (i) to store or produce telephone numbers to be called, using a random or sequential number generator; and (ii) to dial such numbers.” Additionally, it is my understanding that the Federal Communications Commission (“FCC”) has issued further regulations that also define an ATDS as including the capacity to dial telephone numbers from a provided list or database of telephone numbers without human intervention.

9. Based on my education, knowledge, experience, expertise, training, my review of the limited relevant documents provided by the Defendants and the facts identified above, it is my expert opinion that it is reasonable to conclude that the Defendants operate and maintain an ATDS as defined within the TCPA.

## BACKGROUND

10. It is my understanding that the Defendants provide loan and debt collection services. To provide these services, the Defendants place outbound calls to accounts of individuals who may be delinquent on some financial obligation. Although little public information is available on the technology used by the Defendants for debt collection services, it is apparent that they use computerized telephone dialer technology as well as maintaining comprehensive database information on accounts to be serviced.

11. I have reviewed the deposition of Mr. Paul Dankert, who was produced as a Rule 30(b)(6) witness on behalf of Defendants. Mr. Paul Dankert is the Supervisor for the foreclosure and bankruptcy departments of the Defendants. In his deposition (Exhibit B, Dankert Dep.), Mr. Dankert testified, among other things, that the dialer used to place outbound calls is “...a software program through TouchStar that would be used to dial phone numbers.” (Dankert Dep., 10:8-10.) Furthermore, when Mr. Dankert was asked if the debtors phone numbers are stored somehow, he stated, “Well, they’re stored in the Weber database.” (Dankert Dep., 11:23-12:5.) When asked how TouchStar dials the phone numbers stored in the Weber database, Mr. Dankert responded, “Well, if it’s – it has to be set up. A call campaign has to be set up.” (Dankert Dep., 12:9-11.) Furthermore, Mr. Dankert explained, “A call campaign, we go into [unreadable], which is a program used to run queries. So we put a call campaign based on certain criteria which accounts are going to be called from a

1 days past due range. That query would give us a list of account numbers, names of  
2 borrowers, and phone numbers. I would copy that information over to an Excel  
3 spreadsheet, review that spreadsheet for any anomalies, such as duplicate phone numbers  
4 or numbers that – you know, data that wasn't good, take that data out. I would then open up  
5 TouchStar and then drag and drop that Excel sheet into TouchStar to prepare for the call  
6 campaign." Additionally, he said, "All TouchStar does is dial the numbers." (Dankert Dep.,  
7 12:15-13:4.) When asked about the type of automatic dialing that the system performs, Mr.  
8 Dankert explained, "Based on criteria, I would control the speed of the call, control how  
9 many collectors that I have available for that call campaign, and then just dial the number."  
10 (Dankert Dep., 14:15-17.)

12 **AUTOMATIC TELEPHONE DIALING FUNCTIONS**

13 12. Automatic telephone dialing systems used by debt collections service (and other)  
14 companies typically fall into three categories of computerized telephone number dialing:  
15 preview dialing, predictive dialing and basic automatic dialing.

16 13. "Preview" dialing is a method for dialing individual telephone numbers by call center  
17 agents. When "preview" dialing is used, each individual call center agent can "preview" a  
18 computerized call account record and has the ability to originate the call in various ways.  
19 For example, the call center agent can dial the full 10-digit telephone number displayed in  
20 the call record; the call center agent can dial a different 10-digit telephone number that may  
21 be listed as an alternate number; or the call center agent can "invoke" dialing of the 10-  
22 digit telephone number displayed in the call record by clicking a key on the keyboard or  
23 using the cursor on the screen to click a "dial" button.

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1       14. “Predictive” dialing is a computerized method for automatically dialing lists of telephone  
2       numbers commonly used in call center operations. “Predictive” dialing also provides the  
3       capability to “predict” the availability of call center agents that can respond to the outbound  
4       calls that have been dialed by the “predictive” dialer and answered by the called party. Pre-  
5       recorded voice technology may also be used to announce to the called party to wait for a  
6       call center agent to respond. Furthermore, “predictive” dialing methods enable a variety of  
7       programmatic ways to treat calls that have not been answered by the called party. As  
8       examples, calls that may be answered by voice-mail, calls that receive a busy signal and  
9       calls that are not answered, may all be treated and managed differently by the automated  
10      system. “Predictive” dialing necessarily requires certain algorithmic and computerized  
11      functionality to operate properly. For example, “predictive” dialing requires the equipment  
12      to perform call progress analysis for each automated call made in order to detect ring-back  
13      tones, busy tones and the difference of whether a person, answering machine or voice-mail  
14      system has answered a call. Additionally, automatic “predictive” dialing requires a  
15      “pacing” algorithmic function. Pacing algorithms are the statistical models that perform as  
16      the primary function enabling the automatic dialing system to predict the availability of call  
17      agents and increase the efficiency of the call agents. These complex algorithms are based  
18      on various factors such as average call time, number of agents available, number of  
19      expected abandoned calls, average number of answering machines detected, time of day,  
20      day of week and many, many other factors. “Predictive” dialing can make use of an  
21      interactive voice response (“IVR”) system, whereby an artificial or prerecorded voice  
22      message is used to communicate with the called party and computerized prompts may be  
23      used to enable the called party to provide automated responses.  
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1       15. "Basic automatic" dialing is a computerized method for automatically dialing lists of  
2       telephone numbers commonly used in call center operations. "Basic automatic" dialing is a  
3       type of "automatic telephone dialing" as defined by the FCC to make outbound telephone  
4       calls without human intervention for sales, telemarketing, collections or other purposes.  
5       Using this very basic type of automated dialing, the computerized system dynamically  
6       regulates the number of calls to be automatically dialed by maintaining a simple balance  
7       between the number of call center agents available, the number of calls currently in  
8       progress and the "dial ratio." The dial ratio is simply the ratio of telephone lines configured  
9       per call center agent involved in a particular calling campaign. Using this basic mechanism,  
10      the number of automated outbound telephone calls to be dialed by the computer system can  
11      be dynamically regulated (*i.e.*, increased or decreased) over time simply based on the  
12      number of calls in progress, the number of agents and the number of telephone lines  
13      available per agent. Basic automatic dialing can make use of an interactive voice response  
14      ("IVR") system, whereby an artificial or prerecorded voice message is used to  
15      communicate with the called party and computerized prompts may be used to enable the  
16      called party to provide automated responses.

17      16. Each of these three types of computerized dialing: preview, predictive and basic automatic,  
18      enables debt collection companies to efficiently add and store telephone numbers to be  
19      dialed and subsequently dial those numbers. Individual telephone numbers to be called for  
20      sales, telemarketing, collections or other purposes are stored within computerized records.  
21      These records can contain one or more telephone numbers to be dialed.

22      25      **THE TCPA AND AUTOMATIC TELEPHONE DIALING SYSTEMS**

1       17. The TCPA prohibits unsolicited calls to cellular telephone numbers using an “automatic  
2       telephone dialing system” (“ATDS”), which the statute defines as “equipment which has  
3       the capacity – (i) to store or produce telephone numbers to be called, using a random or  
4       sequential number generator; and (ii) to dial such numbers.”

5       18. In addition, the TCPA prohibits any call (other than a call made for emergency purposes or  
6       made with the prior express consent of the called party) using any automatic telephone  
7       dialing system or an artificial or prerecorded voice to any telephone number assigned to a  
8       paging service, cellular telephone service, specialized mobile radio service, or other  
9       common carrier service, or any service for which the called party is charged for the call.

10      19. In the FCC’s Declaratory Ruling of July 3, 2008, the Commission found:

11           “*The statutory definition contemplates autodialing equipment that either stores or produces numbers. It also provides that, in order to be considered an “automatic telephone dialing system,” the equipment need only have the ‘capacity to store or produce telephone numbers (emphasis added)...’*” (See ¶ 132.)

12      20. Furthermore, the FCC has held that prohibitions under the TCPA apply to stored lists of  
13       telephone numbers as well as random or sequentially generated numbers (*See Rules and*  
14       *Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket No.*  
15       *02-278, January 4, 2008*).

16      21. In the FCC’s Declaratory Ruling of January 4, 2008, the Commission found:

17           “...that the evolution of the teleservices industry had progressed to the point where dialing lists of numbers was far more cost effective, but that the basic function of such dialing equipment, had not changed—the capacity to dial numbers without human intervention. The Commission noted that it expected such automated dialing technology to continue to develop and that Congress had clearly anticipated that the FCC might need to consider changes in technology.” (See ¶ 13.)

18      22. In addition, the Commission stated:

“...to find that calls to emergency numbers, health care facilities, and wireless numbers are permissible when the dialing equipment is paired with predictive dialing software and a database of numbers, but prohibited when the equipment operates independently of such lists, would be inconsistent with the avowed purpose of the TCPA and the intent of Congress in protecting consumers from such calls.” (See ¶ 14.)

## **SUMMARY OF OPINIONS**

23. Based on my education, knowledge, experience, expertise, training, my review of the relevant documents provided and the facts described above, it is my expert opinion that the Defendants use an automatic telephone dialing system (“ATDS”) as defined in the TCPA and accompanying regulations. I base this opinion on the fact that the Defendants’ TouchStar dialing system performs “basic automatic dialing” functions. In addition, the TouchStar system stores an electronic list of telephone numbers to be dialed and then dials those numbers. Therefore, this equipment fulfills the definition of an ATDS under the TCPA.

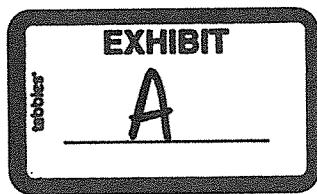
24. My opinions in this declaration are based upon extensive experience in the telecommunications industry, a detailed understanding of telecommunications systems and a detailed understanding of automatic telephone dialing systems. I hereby reserve the right to supplement or modify my opinions detailed in this report to the extent that new information is made available through discovery or other means.

25. I declare that the foregoing is true and correct subject to the laws of perjury of the United States of America.

Executed in Las Vegas, Nevada, on this 12<sup>th</sup> day of May 2014.

Randall A. Snyder

Randall A. Snyder



**Randall A. Snyder**  
**Curriculum Vitae**

### Professional Summary

Randall Snyder is a recognized expert in wireless and cellular telecommunications technology, executive manager and leader, designing, developing, marketing and managing mobile telecommunication system and software products. He has over 30 years of experience specializing in wireless telecommunications technology, network architecture, design, system engineering, marketing and product management. He is a reputable leader and strategic developer with a successful background building startups. He is skilled presenter, communicator, and educator with success impacting organizational performance, corporate reputation and increasing sales. Mr. Snyder is results-oriented, highly organized and creatively focused on adhering to organizational missions and philosophy while designing best-of-breed mobile technology solutions. He has extensive travel experience to Asia-Pac, Latin America and Europe supporting engineering, sales and marketing with familiarity with wireless network operators and manufacturers worldwide. Mr. Snyder has several years of wireless standards development with extensive travel throughout Asia-Pac, Latin America and Europe.

### Expertise

- Business Relations: Seminars, Sales Presentations and Sales Engineering
- Legal: Provisional and Patent Applications, Subject Matter Expert Consultant, Expert Witness and Testimony, Litigation Support, Sales and Vendor Contract Negotiations and Review, Qualified as an Expert in Federal District Court
- Management: Strategic/Tactical Planning, Product Management, Marketing Management, Operations Management, Competitive Analysis, Problem Resolution, Project Planning, Risk Management
- Organizational: P&L Management, Budget Planning, Expense Reduction and Cost Control
- Technology: Wireless Network Engineering, Design and Architecture, Multimedia Systems, Mobile Internet, Mobile Video, Mobile Marketing, mCommerce and Mobile Payments, Mobile Telecommunications Standards, 3G, UMTS, LTE, LBS, SMS, MMS, WAP, GSM, and ANSI-41 (CDMA) Networking, Signaling System No. 7 (SS7), Communications Protocols, Telephone Consumer Protection Act (TCPA), Automatic Telephone Dialing Systems (ATDS)

### Education

<u>Year</u>	<u>College or University</u>	<u>Degree</u>
1984	Franklin and Marshall College	B.A., Mathematics (minor in Astronomy)

**Randall A. Snyder  
Curriculum Vitae**

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**Professional Experience**

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From: January 2007  
 To: Present  
 Organization: Wireless Research Services, LLC; Las Vegas, NV  
 Title: President and Founder  
 Summary: Responsible for consulting business, and revenue as well as being the principal consultant. Areas of subject matter expertise include mobile and cellular networking, 3G, LTE, UMTS, GSM, ANSI-41, LBS, SMS, MMS, WAP, SS7, Diameter Signaling, Automatic Telephone Dialing Systems (ATDS) and mobile multimedia systems. With this expertise, primary consulting is in the area of system and product architecture, design, development, management and marketing as well as patent preparation and development, expert reports, expert testimony and litigation support. Expert witness and technology consultant for over 70 legal cases; authored over 55 expert reports for intellectual property cases, Telephone Consumer Protection Act (TCPA) cases and wireless technology litigation cases.

Notable Case:

- Personally cited by United States Court of Appeals for the Ninth Circuit, Satterfield v. Simon & Schuster, Inc. No. 07-16356, D.C. No. CV-06-02893-CW Opinion. Appeal from the United States District Court for the Northern District of California. Opinion by N.R. Smith, Circuit Judge. Filed June 19, 2009.

Result of expert opinion greatly expanded the TCPA and was followed by formal FCC Declaratory Rulings that text messages are calls as defined by the TCPA and a stored electronic list of telephone numbers falls within the definition of an Automatic Telephone Dialing System (ATDS).

From: September 2007  
 To: August 2010  
 Organization: Finsphere Corporation; Bellevue, WA  
 Title: Vice President Product Management & Wireless Engineering  
 Summary: Was among the first handful of employees at Finsphere prior to Series A funding. As vice president of product management and wireless engineering and a member of the executive management team, was responsible for product management activities and wireless technology solutions for Finsphere's products. These products encompassed mobile location based software-as-a-service (SaaS) products offered primarily to financial institutions and banks. Responsibilities included product requirements and system functionality, strategic planning, R&D of new technologies, wireless network interconnectivity as well as wireless technology for Finsphere's products. Was also responsible for market strategies, white papers and development and management of intellectual property and patent applications.

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**Randall A. Snyder  
Curriculum Vitae**

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From: May 2004  
 To: April 2007  
 Organization: Entriq, Inc.; Carlsbad, CA  
 Title: Vice President Product Management  
 Summary: Was responsible for the entire product management team and system architecture for Entriq's products and services. Products encompassed mobile and broadband pay media applications (specializing in video), digital rights management (DRM) and security solutions, e-commerce and m-commerce systems as well as ad management and delivery solutions for both broadband and mobile media services. Responsibilities also included network and protocol analysis, market analysis, evaluation of third-party software and services, all vendor contract negotiations, RFP responses and overall administrative responsibility for the entire product line. Was responsible for directing and managing the technical writing department producing all user documentation associated with the products. Was nominated for a National Television Arts and Sciences Emmy Award for Outstanding Achievement in Advanced Media Technology for unique mobile technology designed, developed and commercially deployed as part of Entriq's solution.

From: February 2002  
 To: November 2003  
 Organization: m-Qube, Inc. (acquired by Verisign); Boston, MA  
 Title: Vice President Product Management and Carrier Marketing  
 Summary: Was responsible for the entire product management and carrier marketing teams, member of the executive management team and one of the founders. Was responsible for all product management, system engineering and product strategy for all business conducted with the wireless industry and carriers. Was in charge of the market strategy and wireless network architecture for m-Qube's mobile marketing service, a value-added service offering mobile marketing solutions to wireless carriers using short message services (SMS) for GSM and CDMA networks. The service architecture enabled branded companies to deploy promotional marketing and messaging campaign dialogs with mobile subscribers via SMS. The network architecture required definition and design of all aspects of the overall network including SMS technology, interconnectivity to the wireless carriers, signaling, traffic management, market requirements for features and services, network equipment specifications and OA&M.

From: April 2001  
 To: February 2002  
 Organization: Bitfone Corporation; Mountain View, CA  
 Title: Vice President Product Management and Marketing  
 Summary: Was responsible for the entire product management team and all of the company's product definitions, strategies and positioning. Had direct responsibility for market and product requirements, market research, competitive analysis, product strategy and sales strategy. Bitfone's products included the iBroker, a mobile Internet technology infrastructure platform to enhance WAP, MMS, mobile e-mail and wireless

**Randall A. Snyder  
Curriculum Vitae**

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messaging. Was also responsible for the mProve product (obtained via merger with Digital Transit, Inc.) providing over-the-air firmware and software update technology to mobile devices.

From: November 2000  
 To: April 2001  
 Organization: Openwave Systems (via merger of Phone.com and Software.com); Redwood City, CA  
 Title: Executive Director Emerging Technologies  
 Summary: Was responsible for new 3G technologies and providing market and product plans for those technologies for the entire product line. Primary responsibility for the 3GPP Multimedia Messaging Service (MMS), collecting market requirements from customers, developing corporate strategy for MMS and preparing the organization for additional development of the product. In addition, taught wireless technology classes to the different departments at Openwave and educated them on wireless service provider strategies and network technologies.

From: March 2000  
 To: November 2000  
 Organization: @Mobile and Software.com (via acquisition); Santa Barbara, CA  
 Title: Director Wireless Product Management  
 Summary: Was responsible for the product managers and for all of the wireless internet infrastructure products. Responsibilities included the overall market and product strategy for Software.com's wireless e-mail, short message service, instant messaging and unified messaging products. Was responsible for the overall revenues generated from these products based on detailed product plans and internal organizational planning. Much of his time was spent working with the executive management team and the sales directors on corporate market strategy.

From: December 1999  
 To: March 2000  
 Organization: FreeSpace Communications, Inc.; Palo Alto, CA  
 Title: Consulting Network Systems Engineer  
 Summary: Was responsible for the complete design of the backbone network architecture for a new broadband fixed wireless data network. This new architecture incorporated DSL as the backbone network technology. The network architecture required definition and design of all aspects of the overall network plan including DSL technology, IP technology, ATM technology, interconnectivity to the PSTN, operations signaling, traffic engineering, market requirements for network features and services, network equipment specifications and OA&M.

From: April 1992  
 To: December 1999  
 Organization: Synacom Technology, Inc.; San Jose, CA

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**Randall A. Snyder**  
**Curriculum Vitae**

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Title: Executive Director Product Marketing and Management

Summary:

1998 – 1999 Executive Director Product Marketing and Management

- Responsible for managing the entire product management and marketing department of Synacom Technology, including market research and planning, product management and market communications. Lead the entire design, definition and product direction of all aspects of Synacom's products.

1997 – 1998 Director Systems Engineering

- Responsible for coordinating and managing the overall functional and requirements specifications for all Synacom's products as well as the detailed test plans used for alpha system testing of those products. Also responsible for directing and managing the technical writing department producing all of the user documentation associated with all of the products. Provided the primary sales engineering support for sales and marketing and was involved in nearly every aspect of the product lifecycle.

1996 – 1997 Director Consulting Services and Principal Engineer

- Responsible for obtaining, coordinating and managing all technical consulting projects performed by the company. These projects included wireless network architecture and design for both IS-41 and GSM networks for dozens of client companies (carriers and equipment manufacturers). In this role, continued as a member of both the ANSI/TIA TR45.2 Subcommittee for cellular radio intersystem operations standards and the ANSI/TIA TR46 Committee for 1900 MHz GSM PCS standards. Major contributor to TR46 in the area of GSM-to-IS-41 network interworking. Also authored, edited and published TIA standard specification IS-93 for cellular network interconnections to the PSTN and ISDN.

1992 – 1996 Principal Engineer

- Consulted for McCaw Cellular, AT&T Wireless, AirTouch Cellular, AirTouch Satellite Services, Globalstar, Nokia, MCI, Sprint PCS, XYPoint, NextWave, NewNet American Personal Communications, CTIA and several other national and international wireless telecommunications companies.
- Wrote wireless network design and analysis papers including HLR specifications, Authentication Center specifications, PCS network design, short message service (SMS) design, intelligent network applications of wireless technology and in-house expert in signaling protocols. Extensive experience with Signaling System No. 7, including both protocol implementation and design. Authored the Standard Requirements Document for the SS7-based A-interface between the base station and MSC used throughout the TIA. Also involved in the design of the Bellcore WACS/PACS technology, digital cellular network service and feature descriptions, SCPs and HLRs. Extensive experience developing the architecture and design of distributed intelligent networks including, SS7, cellular, PCS, AIN and WIN networks. Key member of the original Cellular Digital Packet Data (CDPD) architecture and design team. Designed the CDPD air interface protocol emulator

**Randall A. Snyder**  
**Curriculum Vitae**

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developed and marketed by AirLink Communications, Inc.

From: December 1990  
 To: April 1992  
 Organization: AT&T Bell Laboratories; Whippany, NJ  
 Title: Consulting Member of the Technical Staff  
 Summary: Evaluated wireless technology services for the Wireless Systems Architecture group. Also participated as a system engineer on the design of the Global System for Mobile (GSM) communication architecture and a software engineer developing the base station controller (BSC) for GSM. Also responsible for planning, coordinating, designing and testing the SS7 protocol software for the GSM A-interface between the BSC, MSC and operations and maintenance center (OMC). High-level and detailed design specifications were developed to coordinate the protocol testing between two remote laboratories. Provided the traffic analysis and traffic engineering of call traffic for the BSC. Specifically designed and developed the dynamic traffic overload control subsystem for the BSC. Presentations were given to technical staffs at multiple Bell Laboratories facilities supporting this work.

From: May 1987  
 To: December 1990  
 Organization: DGM&S, Inc.; Mt. Laurel, NJ  
 Title: Senior Staff Consultant  
 Summary: Responsible for the design, development and test coordination of an advanced intelligent network applications platform for a service control point (SCP). Also spent several years as a consulting software engineer for Siemens AG, developing and testing SS7 and call control software for the EWSD digital switching system for international as well as U.S. national network implementations. This work involved extensive travel to both Frankfurt and Munich, Germany for software system design and testing. Also involved in the concept, design and technical marketing of proprietary enabling technology software products for SS7 and ISDN.

From: May 1986  
 To: May 1987  
 Organization: ADP, Inc.; Mt. Laurel, NJ  
 Title: Senior Software Engineer and Analyst  
 Summary: Responsible for the design and development of data communications and real time database application software for a host data center that provided real time financial information to large brokerage houses. Data communication protocol expertise in HDLC, RS-232 and IBM BiSync.

**Randall A. Snyder  
Curriculum Vitae**

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From: June 1984  
 To: May 1986  
 Organization: C3, Inc.; Cape May, NJ  
 Title: Consulting Systems Analyst and Software Engineer  
 Summary: Civilian consulting systems analyst and engineer to the U.S. Coast Guard Electronics Engineering Center (EECEN) for C3, Inc. Developed sophisticated database software for shipboard use including inventory and law enforcement applications. The work included the follow-through of the entire project lifecycle including writing of requirements, functional, design and program specifications, coding, debugging, alpha and beta testing, release, shipboard installation and continuing technical support of the product. Received a personal commendation from Admiral W.F. Merlin, Chief, Office of Command, Control and Communications, for successful efforts on these projects.

**Professional Affiliations, Achievements & Awards**

- Member, Mobile Multimedia Institute
- Nominated, Technology and Engineering Emmy Award for Outstanding Achievement in Advanced Media Technology, 2006

**Patents & Publications**

**Issued Patents**

<u>Patent</u>	<u>Date</u>	<u>Description</u>
US 8,670,753	3/11/2014	System and Method for Determining and Delivering Appropriate Multimedia Content to Data Communication Devices
Mexico 308720 B	12/04/2013	Sistema y Metodo para el Analisis Automatizado que Compara una Ubicacion del Dispositivo Inalambrico con Otra Ubicacion Geografica
US 8,588,748	11/19/2013	System and Method for Mobile Identity Protection of a User of Multiple Computer Applications, Networks or Devices
US 8,437,784	05/07/2013	System and Method to Initiate a Mobile Data Communication Utilizing a Trigger System
US 8,374,634	02/12/2013	System and Method for Automated Analysis Comparing a Wireless Device Location with Another Geographic Location
US 8,280,348	10/02/2012	System and Method for Mobile Identity Protection Using Mobile Device Signaling Network Derived Location Pattern Recognition
US 8,155,677	04/10/2012	Mobile Messaging Short Code Translation and Routing System

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New Zealand 580499	08/31/2012	and Method System and Method for Automated Analysis Comparing a Wireless Device Location with Another Geographic Location
US 8,131,262	03/06/2010	System and Method to Initiate a Mobile Data Communication Utilizing a Trigger System
US 8,116,731	02/14/2012	System and Method for Mobile Identity Protection of a User of Multiple Computer Applications, Networks or Devices
Australia 2008/115299	02/09/2012	System and Method for Automated Analysis Comparing a Wireless Device Location with Another Geographic Location
S. Africa 2009/06947	01/26/2011	System and Method for Automated Analysis Comparing a Wireless Device Location with Another Geographic Location
US 7,792,518	09/07/2010	System and Method to Initiate a Mobile Data Communication Utilizing a Trigger System
US 7,403,788	07/22/2008	System and Method to Initiate a Mobile Data Communication Utilizing a Trigger System
US 6,128,389	10/03/2000	Authentication Key Management System and Method
US 5,970,144	10/19/1999	Secure Authentication-Key Management System and Method for Mobile Communications
US 5,850,445	12/15/1998	Authentication Key Management System and Method
US 5,799,084	08/25/1998	System and Method for Authenticating Cellular Telephonic Communication

**Published Patents Pending**

<u>Patent Application</u>	<u>Date</u>	<u>Description</u>
20110202407	08/18/2011	System and Method for Improving Internet Search Results Using Telecommunications Data
20110154447	06/23/2011	Systems and Methods for Authenticating a User of a Computer Application, Network or Device Using a Wireless Device
20090204815	08/13/2009	System and Method for Wireless Device Based User Authentication
20080119210	05/22/2008	Wireless Messaging Address System and Method
20080114884	05/15/2008	Centralized Mobile and Wireless Messaging Opt-Out Registry System and Method
20060224943	10/05/2006	Method and System to Automatically Publish Media Assets

**Publications**

1. What Workers Want from Wireless by Randall A. Snyder; April 15, 2004. America's Network, Advanstar Communications, Santa Ana, California USA.
2. Snyder, Randall A. and Gallagher, Michael D. Wireless Telecommunications Networking with ANSI-41 Second Edition; McGraw-Hill, New York, NY USA; © Copyright 2001 Randall A. Snyder and Michael D. Gallagher. *Foreword by Tom Wheeler, current Chairman, Federal Communications Commission.*

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- 3. Forecasting SS7 Traffic by Randall A. Snyder; November 1, 2000. Wireless Review, Volume 17, Number 21, Intertec Publishing, Overland Park, KS USA.
- 4. Gallagher, Michael D. and Snyder, Randall A. Mobile Telecommunications Networking with IS-41; McGraw-Hill, New York, NY USA; © Copyright 1997 Michael D. Gallagher and Randall A. Snyder.
- 5. IS-41/GSM Interoperability by Randy Snyder; December, 1995, Cellular Networking Perspectives, Cellular Networking Perspectives, LTD, Calgary, Alberta, Canada.

Citations

- 1. Commendation from Admiral W.F. Merlin, Chief, Office of Command, Control and Communications, USCG (1986)
- 2. Method and Apparatus for Routing Short Messages, US Patent #6308075, Issued October 23, 2001.
- 3. Mediation Software for Delivery of Interactive Mobile Messaging and Personalized Content to Mobile Devices. Patent Application # 20020120779, August 29, 2002.
- 4. Automatic In-Line Messaging System, US Patent #6718178, Issued April 6, 2004.
- 5. Method and System for Wireless Instant Messaging, US Patent #7058036, Issued June 6, 2006.
- 6. United States Court of Appeals for the Ninth Circuit. Satterfield v. Simon & Schuster, Inc. No. 07-16356, D.C. No. CV-06-02893-CW Opinion. Appeal from the United States District Court for the Northern District of California. Opinion by N.R. Smith, Circuit Judge. Filed June 19, 2009.

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Curriculum Vitae**

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**Litigation Support Experience**

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology and unlawful cellular telephone calls  
 Law Firm: Mantese Honigman Rossman and Williamson, P.C.  
 Case Name: Glassbrook v. Rose Acceptance, Inc. and First National Bank of America  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Ongoing  
 Date: 2014

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls  
 Law Firm: Kazerouni Law Group, APC  
 Case Name: Iniguez v. The CBE Group, Inc.  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Settled  
 Date: 2014

*Expert Engagement:*

Type of Matter: California Invasion of Privacy Act (Penal Code §§ 630) class action related to unlawful recording of telephone conversations  
 Law Firm: Keller Grover LLP and Law Offices of Scot D. Bernstein  
 Case Name: McCase v. Six Continents Hotels, Inc.  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Ongoing  
 Date: 2014

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls  
 Law Firm: Keogh, Cox & Wilson, Ltd.  
 Case Name: Heatherington v. Omaha Steaks, Inc.  
 Services Provided: Testifying expert for plaintiff  
 Disposition: Ongoing  
 Date: 2014

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology  
 Law Firm: Lemberg & Associates LLC  
 Case Name: Shiyan v. Lucille Roberts Health Clubs, Inc.  
 Services Provided: Testifying expert, expert reports for plaintiff

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Disposition: Ongoing  
Date: 2014

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls  
Law Firm: Lemberg & Associates LLC  
Case Name: Meyer v. Receivables Performance Management LLC  
Services Provided: Testifying expert, expert reports for plaintiff  
Disposition: Ongoing  
Date: 2014

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls  
Law Firm: Lemberg & Associates LLC  
Case Name: Creel v. GC Services, L.P.  
Services Provided: Testifying expert, expert reports, depositions for plaintiff  
Disposition: Settled  
Date: 2014

*Expert Engagement:*

Type of Matter: Intellectual property (patents) related to short message service (SMS) technology and communication protocols  
Law Firm: White & Case LLP  
Case Name: Nokia Corporation v. Google Inc.  
Services Provided: Testifying expert for defendant  
Disposition: Settled  
Date: 2014

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls  
Law Firm: Lemberg & Associates LLC  
Case Name: Horton v. Cavalry Portfolio Services LLC  
Services Provided: Testifying expert, expert reports for plaintiff  
Disposition: Ongoing  
Date: 2013 – 2014

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology  
Law Firm: Law Office of Scott D. Owens, Esq. and Farmer, Jaffee, Weissing, Edwards, Fistos & Lehrman, P.L.  
Case Name: Legg v. Voice Media Group, Inc.  
Services Provided: Testifying expert, expert reports for plaintiff  
Disposition: Ongoing

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Date: 2013 – 2014

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology  
 Law Firm: Edelson LLC  
 Case Name: Sterk v. Path, Inc.  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Ongoing  
 Date: 2013 – 2014

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology  
 Law Firm: Francis & Mailman, P.C.  
 Case Name: Dominguez v. Yahoo! Inc.  
 Services Provided: Testifying expert, expert reports, depositions for plaintiff  
 Disposition: Ongoing  
 Date: 2013 – 2014

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology  
 Law Firm: McGuire Law, P.C.  
 Case Name: Smith v. Microsoft Corporation  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Ongoing  
 Date: 2013 – 2014

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology  
 Law Firm: Heyrich Kalish McGuigan, PLLC  
 Case Name: Gragg v. Orange Cab Company, Inc., et al.  
 Services Provided: Testifying expert, expert reports, depositions for plaintiff  
 Disposition: Dismissed  
 Date: 2013 – 2014

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology  
 Law Firm: Wooten, Kimbrough & Normand, PA  
 Case Name: Murphy v. DCI Biologicals, LLC  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Settled  
 Date: 2013 – 2014

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*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls  
 Law Firm: McGuire Law, P.C.  
 Case Name: Murray v. Bill Me Later, Inc.  
 Services Provided: Testifying expert for plaintiff  
 Disposition: Settled  
 Date: 2013 – 2014

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology  
 Law Firm: Kazerouni Law Group, APC  
 Case Name: Sherman v. Yahoo! Inc.  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Ongoing  
 Date: 2013 – 2014

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 and Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. 15 § 1692 related to unlawful cellular telephone calls  
 Law Firm: Collins & Story, PA  
 Case Name: Keen v. Delta Outsource Group, Inc.  
 Services Provided: Testifying expert, expert reports, depositions for plaintiff  
 Disposition: Ongoing  
 Date: 2013 – 2014

*Expert Engagement:*

Type of Matter: Intellectual property (patents) related to short message service (SMS) technology and mobile banking  
 Law Firm: Panovia Group LLP  
 Case Name: N5 Technologies, LLC v. Capital One, N.A., et al.  
 Services Provided: Testifying expert, expert reports, depositions for plaintiff  
 Disposition: Settled  
 Date: 2013 – 2014

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 and California's Unfair Competition Law, Cal. Bus. & Prof. Code § 17200 class action related to short message service (SMS) technology  
 Law Firm: Hartmann and Kananen  
 Case Name: Baird v. Sabre, Inc.  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Dismissed  
 Date: 2013 – 2014

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*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers

Law Firm: Edelson LLC

Case Name: Lee v. Stonebridge Life Insurance Company

Services Provided: Testifying expert, expert reports, depositions for plaintiff

Disposition: Settled

Date: 2012 – 2014

*Expert Engagement:*

Type of Matter: Intellectual property (patents) related to short message service (SMS) technology and multimedia message service (MMS) technology

Law Firm: Baker Botts LLP

Case Name: Intellectual Ventures LLC v. AT&T Mobility LLC, T-Mobile USA, Inc., Sprint Spectrum L.P., US Cellular Corporation

Services Provided: Testifying expert, expert reports for defendants

Disposition: Ongoing

Date: 2012 – 2014

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology

Law Firm: Keogh Law, Ltd.

Case Name: Wanca v. LA Fitness International, LLC

Services Provided: Testifying expert, expert reports, depositions for plaintiff

Disposition: Settled

Date: 2013

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls

Law Firm: Lemberg & Associates LLC

Case Name: Penn v. NRA Group, LLC

Services Provided: Consulting expert for plaintiff

Disposition: Ongoing

Date: 2013

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls

Law Firm: Lemberg & Associates LLC

Case Name: Reed v. GC Services LP

Services Provided: Consulting expert for plaintiff

Disposition: Settled

Date: 2013

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Curriculum Vitae**

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*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology  
 Law Firm: The Lavery Law Firm  
 Case Name: Volpe v. Caribbean Cruise Line, Inc.  
 Services Provided: Consulting expert for plaintiff  
 Disposition: Dismissed  
 Date: 2013

*Expert Engagement:*

Type of Matter: Washington Consumer Protection Act, RCW 19.86 and RCW 80.36.400 related to unfair business practices and unlawful cellular telephone calls  
 Law Firm: Williamson and Williams Law  
 Case Name: Kids Northwest v. First Data Corporation  
 Services Provided: Consulting expert for plaintiff  
 Disposition: Ongoing  
 Date: 2013

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology  
 Law Firm: George Rikos Law  
 Case Name: Van Patten v. Vertical Fitness  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Ongoing  
 Date: 2013

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 and California Business and Professions Code § 17200 class action related to short message service (SMS) technology  
 Law Firm: Milberg LLP  
 Case Name: D'Agostino v. Jesta Digital, LLC (dba Jamster)  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Settled  
 Date: 2013

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 and Restrictions on Telemarketing, Telephone Solicitation, and Facsimile Advertising 47 C.F.R. § 64.1200(d)(3) class action related to unlawful cellular telephone calls  
 Law Firm: Burke Law Offices, LLC  
 Case Name: Benzion v. Vivint, Inc.  
 Services Provided: Testifying expert, expert reports, depositions for plaintiff  
 Disposition: Ongoing  
 Date: 2013

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*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls  
Law Firm: Lemberg & Associates LLC  
Case Name: Rutigliano v. Convergent Outsourcing, Inc.  
Services Provided: Testifying expert, expert reports for plaintiff  
Disposition: Ongoing  
Date: 2013

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology  
Law Firm: Kazerouni Law Group, APC  
Case Name: Emanuel v. The Los Angeles Lakers, Inc.  
Services Provided: Testifying expert, expert reports for plaintiff  
Disposition: Dismissed  
Date: 2013

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology  
Law Firm: Kazerouni Law Group, APC  
Case Name: Barani v. Wells Fargo Bank, N.A.  
Services Provided: Consulting expert for plaintiff  
Disposition: Settled  
Date: 2013

*Expert Engagement:*

Type of Matter: Intellectual property (patents) related to wireless calling party identification technology  
Law Firm: K&L Gates LLP  
Case Name: Cequint Inc. v. Apple Inc.  
Services Provided: Consulting expert for plaintiff  
Disposition: Settled  
Date: 2013

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls  
Law Firm: Donald A. Yarbrough, Esq.  
Case Name: Mais v. Gulf Coast Collection Bureau, Inc.  
Services Provided: Testifying expert, expert reports for plaintiff  
Disposition: Settled  
Date: 2013

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action

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**Randall A. Snyder  
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Law Firm:	related to unlawful cellular telephone calls
Case Name:	Donald A. Yarbrough, Esq.
Services Provided:	Manno v. Healthcare Revenue Recovery Group, LLC
Disposition:	Testifying expert, expert reports, depositions for plaintiff
Date:	Settled
	2013
<i>Expert Engagement:</i>	
Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers
Law Firm:	Law Office of Scott D. Owens, Esq.
Case Name:	Wojcik v. Buffalo Bills, Inc.
Services Provided:	Testifying expert, expert reports for plaintiff
Disposition:	Settled
Date:	2012 – 2013
<i>Expert Engagement:</i>	
Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers
Law Firm:	Law Office of Scott D. Owens, Esq.
Case Name:	Keim v. ADF Midatlantic, LLC (Pizza Hut)
Services Provided:	Testifying expert for plaintiff
Disposition:	Ongoing
Date:	2012 – 2013
<i>Expert Engagement:</i>	
Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls
Law Firm:	Liner Grode Stein Yankelevitz Sunshine Regenstreif & Taylor LLP
Case Name:	Connelly v. Hilton Grand Vacations Company, LLC
Services Provided:	Testifying expert, expert reports, depositions for defendant
Disposition:	Ongoing
Date:	2012 – 2013
<i>Expert Engagement:</i>	
Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm:	Kirby Law Group
Case Name:	Agne v. Papa John's International, Inc., et al.
Services Provided:	Consulting expert for plaintiff
Disposition:	Settled
Date:	2012
<i>Expert Engagement:</i>	
Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action and

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Law Firm: NY GBL 399-P class action related to unlawful calls  
 Bellin and Associates LLC  
 Case Name: Tipoo v. Enhanced Recovery Company, LLC  
 Services Provided: Testifying expert, consulting expert, discovery motions for plaintiff  
 Disposition: Undisclosed  
 Date: 2012

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful calls  
 Law Firm: Burke Law Offices, LLC  
 Case Name: Bailey v. Household Finance Corporation, et al.  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Undisclosed  
 Date: 2011 – 2012

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology  
 Law Firm: Burke Law Offices, LLC  
 Case Name: Annoni v. FYISMS.com, LLC  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Undisclosed  
 Date: 2011 – 2012

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
 Law Firm: KamberEdelson, LLC  
 Case Name: Schrock v. Wenner Media LLC  
 Services Provided: Consulting expert for plaintiff  
 Disposition: Undisclosed  
 Date: 2011

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
 Law Firm: Summit Law Group  
 Case Name: Kramer v. Autobytel, Inc. and B2Mobile, LLC  
 Services Provided: Consulting expert for defendant  
 Disposition: Settled  
 Date: 2011

*Expert Engagement:*

Type of Matter: Intellectual property (patents) related to wireless location based services (LBS)

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Law Firm: Mintz, Levin, Cohn, Ferris, Glovsky and Popeo PC  
 Case Name: Emsat Geolocation Technology, LLC v. CellCo Limited Partnership (dba Verizon Wireless), et al.  
 Services Provided: Consulting expert, USPTO affidavits for patent reexamination for plaintiff  
 Disposition: Undisclosed  
 Date: 2010 – 2011

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful calls  
 Law Firm: Keogh Law, Ltd.  
 Case Name: Griffith v. Consumer Portfolio Services, Inc.  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Undisclosed  
 Date: 2010 – 2011

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful calls  
 Law Firm: Keogh Law, Ltd.  
 Case Name: Dobbin v. Wells Fargo Auto Finance, Inc.  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Dismissed  
 Date: 2010 – 2011

*Expert Engagement:*

Type of Matter: Intellectual property (patents) related to short message service (SMS) technology  
 Law Firm: Nelson Bumgardner Casto PC  
 Case Name: Celltrace LLC v. AT&T Inc., et al.  
 Services Provided: Consulting expert for plaintiff  
 Disposition: Undisclosed  
 Date: 2010

*Expert Engagement:*

Type of Matter: California Constitution, Article VI, § 10, class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
 Law Firm: KamberEdelson, LLC  
 Case Name: VanDyke v. Media Breakaway, LLC  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Settled  
 Date: 2009

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful calls  
 Law Firm: Gordon & Rees LLP  
 Case Name: Allen v. Rickenbacker Collection Services

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**Curriculum Vitae**

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Services Provided: Consulting expert for defendant  
 Disposition: Undisclosed  
 Date: 2009

*Expert Engagement:*

Type of Matter: Intellectual property (trademarks) related to short message service (SMS) technology  
 Law Firm: Fish & Richardson P.C.  
 Case Name: Cricket Communications, Inc. v. HipCricket, Inc.  
 Services Provided: Testifying expert, expert reports, depositions for plaintiff  
 Disposition: Undisclosed  
 Date: 2008 – 2009

*Expert Engagement:*

Type of Matter: California Constitution, Article VI, § 10, class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
 Law Firm: KamberEdelson, LLC  
 Case Name: Albrecht v. mBlox, Inc., et al.  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Settled  
 Date: 2008 – 2009

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology  
 Law Firm: Blim & Edelson, LLC  
 Case Name: Satterfield v. Simon & Schuster, Inc.  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Settled  
 Date: 2007 – 2009

*Expert Engagement:*

Type of Matter: Class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
 Law Firm: KamberEdelson, LLC  
 Case Name: Walker v. Motricity, Inc.  
 Services Provided: Testifying expert, expert reports, depositions for plaintiff  
 Disposition: Settled  
 Date: 2008

*Expert Engagement:*

Type of Matter: Class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
 Law Firm: KamberEdelson, LLC  
 Case Name: Rynearson v. Motricity, Inc.  
 Services Provided: Testifying expert, expert reports, depositions for plaintiff  
 Disposition: Settled  
 Date: 2008

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Curriculum Vitae

*Expert Engagement:*

Type of Matter: California Constitution, Article VI, § 10, class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
Law Firm: KamberEdelson, LLC  
Case Name: Reed v. Sprint Nextel Corporation  
Services Provided: Testifying expert, expert reports for plaintiff  
Disposition: Settled  
Date: 2008

*Expert Engagement:*

Type of Matter: Class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
Law Firm: KamberEdelson, LLC  
Case Name: Paluzzi v. CellCo Limited Partnership (dba Verizon Wireless) and mBlox, Inc.  
Services Provided: Consulting expert for plaintiff  
Disposition: Settled  
Date: 2008

*Expert Engagement:*

Type of Matter: Class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
Law Firm: KamberEdelson, LLC  
Case Name: Nava v. Predicto Mobile, LLC  
Services Provided: Consulting expert for plaintiff  
Disposition: Settled  
Date: 2008

*Expert Engagement:*

Type of Matter: Class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
Law Firm: KamberEdelson, LLC  
Case Name: McFerren v. AT&T Mobility, LLC  
Services Provided: Consulting expert for plaintiff, settlement agreement  
Disposition: Settled  
Date: 2008

*Expert Engagement:*

Type of Matter: California's Unfair Competition Law, Cal. Bus. & Prof. Code § 17200 class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
Law Firm: KamberEdelson, LLC  
Case Name: Guerrero v. MobileFunster, Inc.  
Services Provided: Consulting expert for plaintiff  
Disposition: Settled  
Date: 2008

Randall A. Snyder  
Curriculum Vitae

*Expert Engagement:*

Type of Matter: Computer Fraud and Abuse Act, 18 U.S.C. Article § 1030, class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
Law Firm: KamberEdelson, LLC  
Case Name: Gray v. Mobile Messenger Americas, Inc.  
Services Provided: Consulting expert for plaintiff  
Disposition: Settled  
Date: 2008

*Expert Engagement:*

Type of Matter: Class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
Law Firm: KamberEdelson, LLC  
Case Name: Goddard v. Google, Inc.  
Services Provided: Consulting expert for plaintiff  
Disposition: Settled  
Date: 2008

*Expert Engagement:*

Type of Matter: Class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
Law Firm: KamberEdelson, LLC  
Case Name: Duffy v. Nevis Mobile, LLC  
Services Provided: Consulting expert for plaintiff  
Disposition: Settled  
Date: 2008

*Expert Engagement:*

Type of Matter: Class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
Law Firm: KamberEdelson, LLC  
Case Name: Criswell v. MySpace, Inc.  
Services Provided: Testifying expert, expert reports for plaintiff  
Disposition: Settled  
Date: 2008

*Expert Engagement:*

Type of Matter: Class Action Fairness Act of 2005, 28 U.S.C. §§ 1332, 1453 and 28 U.S.C. § 1367(a) class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
Law Firm: KamberEdelson, LLC  
Case Name: Bradberry v. mBlox, Inc.  
Services Provided: Consulting expert, damage estimates for plaintiff  
Disposition: Settled  
Date: 2008

**Randall A. Snyder  
Curriculum Vitae**

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*Expert Engagement:*

Type of Matter: California Constitution, Article VI, § 10, class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
 Law Firm: KamberEdelson, LLC  
 Case Name: Ayers v. Media Breakaway, LLC  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Settled  
 Date: 2008

*Expert Engagement:*

Type of Matter: Intellectual property (patents) related to wireless location based services (LBS)  
 Law Firm: Hahn Loeser & Parks, LLC  
 Case Name: Emsat Geolocation Technology, LLC v. CellCo Limited Partnership (dba Verizon Wireless), et al.  
 Services Provided: Consulting expert for plaintiff  
 Disposition: Undisclosed  
 Date: 2008

*Expert Engagement:*

Type of Matter: Class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
 Law Firm: Blim & Edelson, LLC  
 Case Name: Valdez v. Sprint Nextel Corporation  
 Services Provided: Consulting expert, damages estimate for plaintiff  
 Disposition: Settled  
 Date: 2007

*Expert Engagement:*

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 201 class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers  
 Law Firm: Blim & Edelson, LLC  
 Case Name: Bradberry v. T-Mobile USA, Inc.  
 Services Provided: Testifying expert, expert reports, numerosity for class certification for plaintiff  
 Disposition: Settled  
 Date: 2007

*Expert Engugement:*

Type of Matter: California Computer Crime Law, Cal. Pen. Code § 502 and California's Unfair Competition Law, Cal. Bus. & Prof. Code § 17200 class action related to short message service (SMS) technology  
 Law Firm: KamberEdelson, LLC  
 Case Name: Abrams v. Facebook, Inc.  
 Services Provided: Testifying expert, expert reports for plaintiff  
 Disposition: Settled  
 Date: 2007

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Randall A. Snyder  
Curriculum Vitae

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*Expert Engagement:*

Type of Matter: Intellectual property (patents) related to short message service (SMS) technology  
Law Firm: Paul Hastings LLP  
Case Name: TeleCommunication Systems, Inc. v. Mobile365, Inc.  
Services Provided: Testifying expert, expert reports, depositions, trial testimony for defendant  
Disposition: Settled  
Date: 2007

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Wireless Research Services, LLC  
Rate Sheet January 1, 2014

## Wireless Research Services, LLC

### 2014 Rate Sheet

<b>ITEM</b>	<b>FEE</b>
Non-refundable Retainer at Time of Engagement	\$4,000
Expert Witness Consulting, Expert Reports	\$450 per hour
Depositions, In-court Testimony	\$500 per hour
Required Travel, Lodging, Board and Administrative Expenses	\$1,000 per airline travel day plus actual incurred expenses
Invoicing	Payment due upon receipt
Penalty for Late Payments	10% of total invoice added after each 30 days late until full payment is received

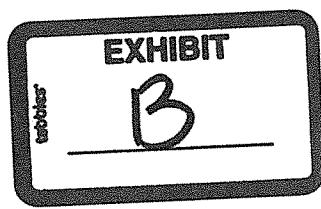
By signing below and returning an executed copy to Wireless Research Services, LLC along with payment of the non-refundable retainer, you agree to the payment terms contained on this rate sheet.

Agreed to by: \_\_\_\_\_

Law firm/Company: \_\_\_\_\_

Case Name: \_\_\_\_\_

Date: \_\_\_\_\_



1 A. Well, the dialer is no longer being used and text  
2 messages are no longer sent.

3 Q. When did First National Bank stop using text messages?

4 A. I believe that was in January of 2012 off the top of my  
5 head.

6 Q. And when did it stop using the dialer?

7 A. January 2013.

8 Q. The dialer that you referred to, what is that?

9 A. It's a software program through TouchStar that would be  
10 used to dial phone numbers.

11 Q. Okay. Let's do this. I'm going to hand you what was  
12 marked as Exhibit 2 in the deposition yesterday.

13 Exhibit 2 is defendants' objections and responses to  
14 plaintiff's first set of discovery requests. If you  
15 can look on page 4. My office had sent out a discovery  
16 request asking for all machines by model and supporting  
17 systems used to make any telephone calls on behalf of  
18 either defendant. The response -- there's some  
19 objections and things like that. And then as you turn  
20 the page, there's several things listed A through E.

21 Do you see that?

22 A. I do.

23 Q. Okay. And do you know what the first one is, 3Com  
24 Phone System?

25 A. Uh-huh.

1 MR. SCHEHR: You have to verbalize.

2 THE WITNESS: I'm sorry. Yes.

3 MR. SCHEHR: It's okay. You're doing great.

4 BY MR. HANSMA:

5 Q. Can you tell me what that is?

6 A. That's just the phone system, like AT&T.

7 Q. Verizon?

8 A. Just a regular phone system. Uh-huh.

9 Q. How is it set up? The collectors in the call center,  
10 they all have like a cubicle?

11 A. Yes.

12 Q. And they have a desk with a phone on it?

13 A. Yes.

14 Q. And that phone is just like a regular phone with a  
15 receiver and the buttons?

16 A. Yes.

17 Q. And then the next thing listed on page 5 there is  
18 TouchStar Version 5.7.

19 A. Uh-huh. Yes.

20 Q. That's the dialer you were referring to?

21 A. Yes.

22 Q. You mentioned that that can dial phone numbers; is that  
23 right?

24 A. Yes.

25 Q. Okay. So is it -- I take it phone numbers of debtors

1           who are going to receive the collection calls, they're  
2           stored in the TouchStar somehow?

3     A.    No, they're not stored in TouchStar.

4     Q.    They're stored on the computer?

5     A.    Well, they're stored in the Weber database.

6     Q.    Okay. And is the Weber database connected to the  
7           TouchStar somehow?

8     A.    No, it's not.

9     Q.    How does the TouchStar dial the phone numbers?

10    A.    Well, if it's -- it has to be set up. A call campaign  
11       has to be set up.

12    Q.    Okay.

13    A.    Would you like me to run through that?

14    Q.    Please do.

15    A.    A call campaign, we go into \*\*Dweeb, which is a program  
16       used to run queries. So we put a call campaign based  
17       on certain criteria which accounts are going to be  
18       called from a days past due range. That query would  
19       give us a list of account numbers, names of borrowers,  
20       and phone numbers. I would copy that information over  
21       to an Excel spreadsheet, review that spreadsheet for  
22       any anomalies, such as duplicate phone numbers or  
23       numbers that -- you know, data that wasn't good, take  
24       that data out. I would then open up TouchStar and then  
25       drag and drop that Excel sheet into TouchStar to

1           prepare for the call campaign.

2   Q.    Okay. And then what does TouchStar do with that  
3           information?

4   A.    All TouchStar does is dial the numbers.

5   Q.    It dials -- it dials them automatically on behalf of --

6   A.    It dials the numbers that --

7                   MR. SCHEHR: You have to let him finish the  
8               question. Hold on a second. You have to let him  
9               finish the question, and then you can answer it after  
10              that.

11          BY MR. HANSMA:

12   Q.    TouchStar dials the numbers for the collectors; is that  
13           correct?

14   A.    TouchStar will dial the numbers that were set up from  
15           the query that I've established for the collectors.

16          Yes.

17   Q.    Okay. Have you heard the phrase predictive dialer?

18   A.    I have.

19   Q.    What do you understand the phrase predictive dialer to  
20           mean?

21   A.    Predictive dialer is a system -- my understanding is a  
22           system that automatically has numbers set up in it  
23           based on algorithms, or certain data can determine  
24           which numbers to call and also determine which  
25           collectors will take that call.

1 Q. Does the TouchStar system work that way?

2 A. No.

3 Q. It doesn't dial the phone numbers predictively for the  
4 operators?

5 A. No.

6 Q. Does it dial them automatically for the operators?

7 A. It just dials -- yes.

8 Q. So you said you drag the phone number or the list from  
9 your spreadsheet into TouchStar, correct?

10 A. I drag the Excel spreadsheet, drag and drop.

11 Q. And then will call them from whatever the first one is  
12 on the spreadsheet is to the last one?

13 A. Yes.

14 Q. And it does that on its own?

15 A. Based on criteria, I would control the speed of the  
16 call, control how many collectors that I have available  
17 for that call campaign, and then just dial the number.

18 Uh-huh.

19 Q. So from day-to-day you can tell it dial a new number  
20 every two minutes, 30 seconds, every 5 minutes. Am I  
21 getting that --

22 A. Based on the query that was run.

23 Q. Yeah.

24 A. Uh-huh. That would be loaded up, and then I could  
25 control the speed that calls were being dialed.